

APPLICANTS:
Raymond and Joan Strickroth

REQUEST: A variance to allow a porch
within the required 32 foot front yard
setback

HEARING DATE: October 6, 2004

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS
Case No. 5439

ZONING HEARING EXAMINER'S DECISION

APPLICANTS: Raymond and Joan Strickroth

LOCATION: 1622 Cass Drive, Greenridge II subdivision, Bel Air
Tax Map: 41 / Grid: 4F / Parcel: 0617 / Lot: 465
Third Election District

ZONING: R2 / Urban Residential

REQUEST: A variance pursuant to Sections 267-36B, Table V, and 267-23C(1)(a)(2) of the Harford County Code, to allow a front porch within the required 32 foot front yard setback (30 foot setback proposed).

TESTIMONY AND EVIDENCE OF RECORD:

First testified Joan C. Strickroth, Co-Applicant, who stated that she and her husband purchased their property, located on Cass Drive in the Greenridge subdivision, in 1971. The property is improved by a three bedroom rancher.

Mrs. Strickroth testified that other neighboring houses in the subdivision have carports on the side of their homes. The Applicants, however, had constructed a living area for Mrs. Strickroth's 94 year old father in that area. There is a small uncovered porch to the front of the house which needs to be replaced due to its age.

The Applicants would like to replace the existing concrete porch with a larger covered porch. Mrs. Strickroth testified that the sun is very intense, and a covered porch would help reduce the glare and the impact of the sun on their living room. Their basement also leaks through the front of the house, and a large covered porch would help eliminate leakage into the basement. She also believes that a covered front porch would be more comfortable for her father, who spends a lot of time on the existing front porch.

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The proposed porch would be a covered pad, with dimensions of approximately 8 feet by 18 feet. It would encroach into the required 35 foot setback by approximately 5 feet.¹

Both Mr. and Mrs. Strickroth testified the porch would be in keeping with others in the subdivision. The shingles on the porch would match those on the existing house. The Applicants testified that no neighbor had expressed any opposition.

Mr. William Robins next testified, identifying himself as the Applicants' next door neighbor. Mr. Robins has no objections to the proposal, and in fact fully supports it. He indicated that the new porch, if the variance were granted, would appear no different than many others in the subdivision.

The Department of Planning and Zoning Staff Report recommends that the variance be granted. The Department also notes that the subject property fronts on a curved portion of Cass Drive. As a result, the variance should be difficult to recognize by passers-by or neighbors.

APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

"Variances.

- A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:*
 - (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.*
 - (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.*

¹ The Code allows front porches to encroach into existing setbacks by three feet. Accordingly, the Applicants are only in need of an additional two foot variance.

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- B. *In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.*
- C. *If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”*

Section 267-23C(1)(a)(2) of the Harford County Code reads:

“(a) The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:

(2) Bay windows, balconies, chimneys or porches: three (3) feet.”

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Applicants have, for several years now, lived in the single family subdivision of Greenridge, located just to the west of Bel Air. Their home would appear to be similar to many others in the area, with the exception that they have added a small living area for their elderly father to one side of the house.

The Applicants have, at the front of their house, a small concrete pad which functions as their front porch. That is an original structure. The Applicants desire to upgrade and improve that area. Furthermore, the Applicants feel the improvement would be helpful to the structural integrity of the house as it would tend to eliminate water seepage which now occurs through the front of the house. A covered front porch of the dimensions proposed would be beneficial for the father as it would give him an additional area to enjoy the outdoors.

It is accordingly found that there would be no adverse impact if the variance were granted and the relief requested, i.e., a two foot variance, is necessary in order to alleviate the practical difficulty presented, which is the inability to construct a covered porch similar to others in the neighborhood.

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CONCLUSION:

Accordingly, it is recommended this variance be granted, with the following conditions:

1. The Applicants obtain all necessary permits and inspections for the porch.
2. The roof shingles, and other construction elements of the porch, be similar to that of the existing home.
3. Landscaping similar to what presently exists shall be planted on the front of the porch. The Applicants shall submit a landscaping plan to the Department of Planning and Zoning for approval prior to the finishing of the porch.

Date: November 3, 2004

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner